

IN UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TAKIA WALTON, DANYLLE MCHARDY,  
GEORGE DE LA PAZ JR., KEVIN JACOBS  
and FEIONA DUPREE, Each individually  
and on Behalf of ALL OTHERS  
SIMILARLY SITUATED

Civil Action No.: 1:19-cv-4466 LMM

Plaintiff,

v.

PUBLIX SUPERMARKETS, INC.  
Defendant.

**NOTICE OF SUPPLEMENTAL INFORMATION**

Plaintiffs file this Notice of Supplemental Information to highlight new factual developments that support its Motion for an Order to Toll Limitations Period For Putative Collective Members and the supporting Memorandum of Law. (Doc. 14.) This Notice contains no new legal argumentation.

The court is already aware that on October 21, 2019, Plaintiffs filed a Motion for Leave to file a Second Amended Complaint (Doc. 17) that refines and clarifies the putative class definition in response to concerns raised in Defendant's Emergency Motion to Strike, Deny Without Prejudice or Stay. (Doc No 10). At paragraphs 47 and 66 of Plaintiff's Proposed Second Amended Complaint, the putative class description reads as follows:

All Publix Bakery and Deli department Managers and Assistant Managers nation-wide, who were misclassified as exempt salaried employees, performed mostly manual labor and were not paid at the proper overtime rate for hours worked more than forty (40) hours in any week within three (3) years prior to the inception of this lawsuit.

(See Doc. 17 at Ex A)

If Plaintiff's Motion for Leave to file a Second Amended Complaint is granted, we request that the court consider Plaintiff's Motion to Toll Limitations Period for Putative Collective Members in light of the above referenced description of the putative class, and disregard the putative class descriptions appearing on pages 1 and 2 of the Plaintiffs' Memorandum in Support of Plaintiff's Motion to Toll Limitations Period for Putative Collective Members. (Doc. 14 at Attachment 1).

Dated: October 24, 2019

Respectfully submitted,

By: /s/Arnold Lizana  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of October 2019, I filed this document Plaintiffs' NOTICE OF SUPPLEMENTAL INFORMATION with the Clerk of the Court using the ECF, and served a copy by email to the following:

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s/Arnold Lizana  
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